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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2069 of 2026

Shashank Chopda, S/o Shri Shantilal Chopda, Aged About 33 Years R/o Chopda Compound, 35 Azad Ward, Ganjpara, District Durg, Chhattisgarh

... Petitioner(s)

versus

State Of Chhattisgarh Through Additional Superintendent Of Police, Economic Offence Wing / Anti Corruotion Bureau, District -Raipur, Chhattisgarh

... Respondent(s)

For Petitioner(s)	**:**	Mr.Mayank Kumar, Advocate
For Respondent(s)	**:**	Mr.Praveen Das, Additional Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

***Per* Ramesh Sinha, Chief Justice**

06.08.2026

1. Heard Mr.Mayank Kumar, learned counsel for the petitioner as well as Mr.Praveen Das, learned Additional Advocate General appearing for the respondent/State.

2. The present petition has been filed by the petitioner under Section

528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, ‘B.N.S.S.’) with the following relief(s):-

> *“1) Quash the FIR No. 05/2025 dated 22.01.2025 registered at P.S. ACB/EOW, Raipur under Section 120B r/w 409 of the IPC, 1860 and Section 13(1)(A), 13(2) AND 7(C) of the PC Act, 1988 and the Chargesheet bearing no. 11/2025 dated 25.04.2025 and Supplementary Chargesheet bearing no. 11(A)/2025 dated 16.04.2026, in so far as they relate to petitioner, filed before Learned Special Judge (PC Act) and 1st Additional Sessions Judge, Raipur, C.G. and also further quash the criminal proceedings arising therefrom qua petitioner, including the order dated 26.04.2025 passed by the Learned Special Judge (PC Act) and 1st Additional Sessions Judge, Raipur, C.G., whereby Special Case (SPC) No. 02/2025 came to be registered, along with all consequential proceedings arising therefrom.*
>
> *2) Pass any other order(s) which this Hon'ble Court may deem fit and proper under the facts and circumstances of this case.*”

3. Briefly stated, the prosecution case is that Tender No. 182/EQP/CGMSC/2022-23, floated by CGMSCL on 26.08.2022 for procurement of medical equipment and reagents under the "Hamar Lab Scheme", was manipulated through a criminal conspiracy between officials of CGMSCL, Health Department officers, Mokshit Corporation and other entities. According to the prosecution, the tender conditions were deliberately framed to favour Mokshit Corporation, despite objections raised during the pre-bid stage, resulting in Mokshit Corporation being declared the L-1 bidder and awarded the contract. It is alleged that Mokshit Corporation, in collusion with two other firms, indulged in tender pooling by submitting identical bids, thereby eliminating genuine competition and ensuring that Mokshit Corporation secured the contract.

4. The prosecution further alleges that the Department of Health Services generated excessive and unjustified demand for reagents, which CGMSCL converted into purchase orders without verifying actual requirements, availability of infrastructure, or financial capacity. It is alleged that CGMSCL issued purchase orders worth approximately Rs. 314 crores for reagents despite being aware that hospitals and health centres lacked essential infrastructure such as cold storage, refrigerators, UPS systems, proper electrical installations and other facilities necessary for storage and use of the reagents. As a consequence, reagents valued at approximately Rs. 161 crores allegedly expired unused in district hospitals, health centres and CGMSCL warehouses by April 2025, causing substantial loss to the State exchequer. The prosecution also alleges that certain consumables, including EDTA blood collection tubes, were procured at highly inflated prices, causing wrongful financial gain to the suppliers and corresponding wrongful loss to the Government.

5. On the basis of secret information, FIR No.05/2025 was registered on 22.01.2025 by ACB/EOW, Raipur for offences under Sections 120-B and 409 IPC and Sections 7(c), 13(1)(a) and 13(2) of the Prevention of Corruption Act, alleging criminal conspiracy, criminal breach of trust, abuse of official position and corruption. After investigation, the prosecution filed the main charge-sheet on 25.04.2025 and a supplementary charge-sheet on 16.04.2026, arraigning the petitioner along with public servants and other private entities for offences under Sections 120-B and 409 IPC and Sections 7(c), 13(1)(a) read with 13(2) of the Prevention of Corruption Act. Hence, this petition.

6. Learned counsel for the petitioner submits that the present FIR is nothing but an attempt to convert a purely contractual and commercial dispute into a criminal proceeding with the objective of avoiding admitted contractual liabilities. The genesis of the dispute lies in Tender No.182/EQP/CGMSC/2022-23 and the subsequent rate contract executed between Mokshit Corporation and CGMSCL. The issues raised by the prosecution, including tender conditions, quantity of procurement, infrastructure availability, utilisation of reagents, payment obligations and contractual performance, are matters arising out of the contractual relationship and are already pending adjudication before the appropriate arbitral forum. It is submitted that criminal proceedings cannot be permitted to be used as a tool for pressurising a contracting party or for avoiding legitimate commercial liabilities. Reliance is placed upon **Paramjeet Batra v. State of Uttarakhand, (2013) 11 SCC 673** and **Usha Chakraborty v. State of West Bengal, (2023) 15 SCC 135**, wherein the Hon’ble Supreme Court has held that where a dispute is essentially civil in nature and criminal allegations are merely used as a cloak, continuation of such proceedings amounts to abuse of process.

7. Learned counsel submits that the prosecution's allegation that Mokshit Corporation derived undue financial benefit from Tender No. 182 is contrary to the admitted facts. Against the supplies made under the tender, an amount of approximately Rs. 338 crores remains outstanding from CGMSCL. Additionally, Mokshit Corporation has discharged substantial statutory liabilities, including payment of approximately Rs. 59 crores towards GST and Rs. 75 crores towards income tax. It is submitted that a supplier who has fully supplied the contracted goods, paid taxes on such supplies and is awaiting payment from the procuring authority cannot be alleged to have obtained wrongful pecuniary advantage. Rather, the company has suffered financial prejudice due to non-payment of contractual dues.

8. Learned counsel submits that the entire record demonstrates the bona fide conduct of Mokshit Corporation. Immediately upon discovering deficiencies in infrastructure at various facilities, including absence of refrigeration facilities, UPS systems, proper electrical earthing and other necessary arrangements, the company repeatedly informed CGMSCL and senior officials of the Health Department. The communications dated 27.06.2023, 20.09.2023, 09.10.2023, 14.10.2023 and subsequent representations clearly establish that Mokshit Corporation had warned the authorities regarding possible expiry of reagents and non-utilisation of equipment. Therefore, the allegation that Mokshit Corporation intentionally caused wastage of reagents is wholly inconsistent with the contemporaneous record. He further submits that under the rate contract, Mokshit Corporation's obligation was limited to supply, installation and warranty maintenance of equipment. The responsibility for assessing requirement, generating indents, issuing purchase orders, ensuring availability of infrastructure, maintaining cold chain, deployment of manpower and utilisation of reagents rested entirely with CGMSCL and DHS. The official communications of DHS dated 03.11.2023 and 23.11.2023 and the communication of the State Health and Family Welfare Department dated 21.02.2024 themselves acknowledge that expiry of reagents due to infrastructure deficiencies would be attributable to CGMSCL. Thus, the prosecution theory seeks to shift the responsibility of administrative failures upon a private supplier who had repeatedly cautioned the authorities.

9. Learned counsel contended that the allegation that Mokshit Corporation indulged in tender pooling is based solely on similarity of formats submitted by bidders. The format of the price bid and reagent comparison chart was itself provided by CGMSCL during the pre-bid process to all participating bidders. Adoption of a uniform format was necessary for comparative evaluation and determination of L-1 bidder. No evidence has been collected to establish any agreement, communication, exchange of information or collusion between bidders. No examination of digital footprints, IP addresses or electronic records of the bidding process was undertaken. Mere similarity of documents cannot constitute criminal conspiracy. Reliance is placed upon **K.R. Purushothaman v. State of Kerala, (2005) 12 SCC 631**, wherein the Hon'ble Supreme Court held that criminal conspiracy requires proof of an agreement to commit an illegal act and cannot be inferred merely from suspicion or association.

10. Learned counsel further contended that there is no allegation, much less evidence, of any gratification, illegal payment, undue advantage or quid pro quo between Mokshit Corporation and any public servant. Neither the FIR nor the charge-sheet alleges any demand or acceptance of illegal gratification by any public servant at the instance of the Petitioner. In the absence of any allegation or proof of demand and acceptance, invocation of offences under the Prevention of Corruption Act is unsustainable. Reliance is placed upon **Neeraj Dutta v. State (NCT of Delhi), (2023) 4 SCC 731**, wherein demand and acceptance have been recognised as essential ingredients for corruption offences. Further, Section 409 IPC is wholly inapplicable as there was no entrustment of any property or public funds to Mokshit Corporation. On the contrary, Mokshit Corporation supplied goods to CGMSCL and remains an unpaid creditor. The essential ingredient of entrustment required for criminal breach of trust is therefore absent.

11. He also contended that the allegation regarding EDTA tubes being overpriced is based upon an incorrect comparison with alleged open market prices. The Government e-Marketplace itself reflects prices of similar EDTA tubes up to Rs. 30 per unit. Therefore, the contracted price of Rs. 23.52 per tube cannot be termed excessive or indicative of any dishonest intention. The prosecution has failed to establish any artificial inflation, wrongful gain or manipulation in pricing.

12. Learned counsel submitted that the investigation has selectively relied upon allegations while ignoring material documents favourable to the Petitioner, including repeated warnings issued by Mokshit Corporation, admissions of outstanding dues by CGMSCL, communications of DHS fixing responsibility upon CGMSCL and documents establishing compliance with shelf-life requirements. The charge-sheet fails to explain how a supplier who repeatedly cautioned the authorities, suffered non-payment and had no control over infrastructure could be held criminally liable for administrative failures of the procuring authorities. He further submitted that all major decisions relating to tender formulation, approval of tender conditions, acceptance of bids, issuance of purchase orders and continuation of procurement were taken by senior officials of CGMSCL and the Health Department. However, the prosecution has selectively targeted Mokshit Corporation, an unpaid supplier, while excluding key decision-makers who controlled the entire procurement process. Such selective action demonstrates an attempt to shift institutional responsibility and prosecute the Petitioner as a scapegoat.

13. Learned counsel also submitted that even if the allegations in the charge-sheet are accepted at face value, they do not disclose the commission of any criminal offence by the Petitioner. The allegations, at their highest, disclose contractual disagreements and administrative failures, for which civil remedies are already available and being pursued. Reliance is placed upon **Sushil Suri v. CBI, (2011) 5 SCC 708** and **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, wherein the Hon'ble Supreme Court has held that criminal proceedings deserve to be quashed where continuation thereof would amount to abuse of process or where allegations fail to constitute the offences alleged. Accordingly, it is submitted that the criminal proceedings against the petitioner are legally untenable, malicious in nature and liable to be quashed in exercise of the inherent jurisdiction of this Hon'ble Court.

14. On the other hand, learned Additional Advocate General appearing for the Respondent-State submits that the present petition seeks to prematurely terminate criminal proceedings at the threshold despite the investigation having resulted in filing of a detailed charge-sheet and supplementary charge-sheet. The allegations involve large-scale financial irregularities, abuse of official position, criminal conspiracy and loss to public exchequer involving hundreds of crores of rupees. Such serious economic offences require a full-fledged trial and cannot be examined in a petition under Section 482 CrPC on the basis of defence material sought to be relied upon by the Petitioner. He further submits that merely because the allegations arise out of a contractual arrangement, the same does not bar criminal prosecution. A contractual relationship can also give rise to criminal offences where the acts complained of disclose elements of conspiracy, corruption, cheating, breach of trust or wrongful gain.

15. It is submitted that the prosecution is not seeking adjudication of contractual disputes but is proceeding on allegations that the tender process itself was manipulated, purchase orders were issued without assessment of requirement and infrastructure, and undue benefit was extended to the private supplier at the cost of public funds. He also submits that the prosecution case is not based merely on the existence of outstanding payments. The investigation has revealed that Mokshit Corporation was awarded a high-value tender pursuant to a process which is alleged to have been compromised, resulting in procurement of excessive quantities of reagents which could not be utilised and ultimately expired, causing substantial loss to the Government. The fact that payments are allegedly pending does not negate the allegation of wrongful benefit, as the investigation concerns the manner in which the tender was awarded and purchase orders were generated.

16. He submitted that criminal conspiracy is generally established through circumstantial evidence and direct proof of an agreement is rarely available. The similarity in bids, tender conditions, participation pattern of bidders and subsequent conduct of the accused persons constitute relevant circumstances which require examination during trial. At the stage of considering a petition under Section 482 CrPC (now Section 528 BNSS), the Court is required to examine whether a prima facie case exists and not conduct a detailed appreciation of evidence or accept the defence version. He further submitted that the investigation has revealed that Tender No. 182 contained conditions which allegedly restricted competition and ultimately benefited Mokshit Corporation.

Despite objections raised by bidders, the tender conditions remained unchanged and Mokshit Corporation was declared L-1. Whether such conditions were intentionally designed to favour a particular bidder and whether there was collusion between the private entities and public officials are matters which can only be determined during trial after appreciation of evidence.

17. Learned Additional Advocate General contended that the petitioner is relying upon contractual communications, letters exchanged with CGMSCL, arbitration proceedings and other documents to establish its innocence. However, such disputed questions of fact cannot be examined in proceedings under Section 482 CrPC (now Section 528 BNSS). He further contended that the offences alleged include criminal conspiracy, abuse of official position and wrongful pecuniary advantage. At the stage of investigation and framing of charges, the prosecution is not required to establish the entire case beyond reasonable doubt. The question whether there was any undue advantage, collusion or illegal benefit arising from the tender process is a matter of evidence. The absence of recovery of money or direct proof of payment cannot be a ground for quashing when the overall circumstances disclose a prima facie offence. He also contended that the prosecution case is that public funds were entrusted for procurement of medical equipment and reagents and were dealt with in a manner causing wrongful loss to the State. The precise role and liability of each accused person, including the Petitioner, would be determined during trial. Pendency of arbitration proceedings between Mokshit Corporation and CGMSCL does not prevent the State from prosecuting offences which disclose criminality. Civil proceedings and criminal proceedings can proceed simultaneously where the allegations constitute independent criminal offences. The arbitration proceedings relate to contractual claims and cannot determine the issue of criminal liability arising from alleged corruption and conspiracy. He lastly submits that the inherent jurisdiction of the High Court is to be exercised sparingly and only where the allegations, even if accepted in entirety, do not constitute any offence. In the present case, the FIR and charge-sheet disclose prima facie commission of offences under the IPC and Prevention of Corruption Act. Accordingly, the petition seeking quashing of criminal proceedings deserves to be dismissed.

18. We have heard learned counsel for the parties and perused the material available on record with utmost circumspection.

19. The legal position on the issue of quashing of criminal proceedings is well-settled that the jurisdiction to quash a complaint, FIR or a charge-sheet should be exercised sparingly and only in exceptional cases and Courts should not ordinarily interfere with the investigations of cognizable offences. However, where the allegations made in the FIR or the complaint even if taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused, the FIR or the charge-sheet may be quashed in exercise of powers under Article 226 or inherent powers under Section 482 of the Cr.P.C. (now 528 of the B.N.S.S.).

20. The Hon'ble Supreme Court in the matters of ***Rupan Deol Bajaj v. K.P.S. Gill, (1995) SCC (Cri) 1059***, ***Rajesh Bajaj v. State of NCT of Delhi, (1999) 3 SCC 259*** and ***Medchl Chemicals & Pharma (P) Ltd. v. Biological E Ltd. & Ors, 2000 SCC (Cri) 615***, the Supreme Court clearly held that if a prima facie case is made out disclosing the ingredients of the offence, Court should not quash the complaint. However, it was held that if the allegations do not constitute any offence as alleged and appear to be patently absurd and improbable, Court should not hesitate to quash the complaint. The note of caution was reiterated that while considering such petitions the Courts should be very circumspect, conscious and careful. Thus, there is no controversy about the legal proposition that in case a prima facie case is made out, the FIR or the proceedings in consequence thereof cannot be quashed.

21. In ***Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, 2021 SCC OnLine SC 315***, the Hon'ble Supreme Court has authoritatively settled the scope of the inherent jurisdiction of the High Court under Section 482 of the Code of Criminal Procedure, 1973 (now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023). The Apex Court has held that the power to quash criminal proceedings is required to be exercised sparingly, with circumspection and only in the rarest of rare cases. It has been categorically observed that while considering a prayer for quashing an FIR or criminal proceedings, the High Court cannot embark upon an enquiry into the reliability, genuineness or otherwise of the allegations contained in the FIR, nor can it appreciate the evidence or conduct a mini trial. The Court is only required to examine whether the allegations, if taken at their face value, disclose the commission of a cognizable offence. The Supreme Court further emphasized that criminal proceedings ought not to be scuttled at the threshold, that investigation into cognizable offences should ordinarily be permitted to proceed unhindered, and that the extraordinary jurisdiction under Section 482 Cr.P.C. must be exercised with great caution and self-restraint, save in exceptional cases where non-interference would result in manifest miscarriage of justice.

22. Very recently, in ***Pradeep Kumar Kesharwani v. State of Uttar Pradesh & Another (Criminal Appeal No. 3831 of 2025, decided on 02.09.2025)***, the Hon'ble Supreme Court reiterated the aforesaid principles and further held that while exercising jurisdiction under Section 482 Cr.P.C. (now Section 528 of the BNSS), the High Court cannot adjudicate disputed questions of fact or evaluate the evidentiary worth of the material collected during investigation. The Court reaffirmed the test laid down in Rajiv Thapar v. Madan Lal Kapoor and observed that criminal proceedings can be quashed at the threshold only when the material relied upon by the accused is of sterling and impeccable quality, completely demolishes the prosecution case, remains incapable of being refuted by the prosecution, and continuation of the criminal proceedings would amount to an abuse of the process of Court. Unless all these parameters are cumulatively satisfied, the High Court ought not to interfere in exercise of its inherent jurisdiction, leaving the parties to establish their respective cases before the trial Court in accordance with law.

23. Having considered the rival submissions advanced on behalf of the parties and having perused the material available on record, this Court is of the considered opinion that the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR, charge-sheet and consequential proceedings does not merit acceptance.

24. At the outset, it is required to be noted that the jurisdiction of this Court under Section 528 of the BNSS (corresponding to Section 482 Cr.P.C.) is extraordinary in nature and is required to be exercised sparingly, cautiously and only in exceptional circumstances. The Court, while exercising such jurisdiction, is not required to conduct a meticulous examination of the evidence, appreciate the defence raised by the accused or undertake a mini trial. The limited enquiry is whether the allegations contained in the FIR, charge-sheet and the material collected during investigation, taken at their face value, disclose the commission of any cognizable offence.

25. In the present case, the allegations against the petitioner are not confined to a mere breach of contractual obligations or non-payment of contractual dues. The prosecution case is founded on allegations of manipulation of the tender process, criminal conspiracy between public officials and private entities, issuance of purchase orders without assessment of actual requirement and infrastructure availability, procurement of excessive quantities of reagents resulting in alleged loss to the public exchequer and wrongful financial advantage to the private suppliers.

26. The allegations, therefore, cannot be said to arise merely from a private commercial transaction. The prosecution alleges criminality in the very process of procurement and execution of the tender. Whether such allegations are ultimately established or not is a matter to be examined during trial, but at this stage, the same cannot be brushed aside as being purely civil in nature.

27. The principal contention of the learned counsel for the petitioner is that the dispute is essentially contractual in nature and has already been referred to arbitration. It is submitted that the criminal proceedings have been initiated only to avoid payment of outstanding dues payable to Mokshit Corporation. However, this Court is unable to accept the said contention at this stage.

28. It is settled law that pendency of civil proceedings or arbitration proceedings does not act as a bar to criminal prosecution if the allegations disclose commission of criminal offences. Civil and criminal proceedings can proceed simultaneously when the ingredients of criminal offences are independently made out. The arbitration proceedings between Mokshit Corporation and CGMSCL relate to contractual claims and payment disputes, whereas the criminal proceedings arise from allegations of conspiracy, corruption and abuse of official position in the tender process.

29. The reliance placed by the petitioner on the judgment of the Hon’ble Supreme Court in **Paramjeet Batra** (supra) and **Usha**

Chakraborty (supra) does not assist the petitioner in the facts of the present case.

30. In Paramjeet Batra (supra), the Hon'ble Supreme Court observed that where a dispute is essentially civil in nature and criminal proceedings are initiated merely by giving a cloak of criminality to a civil dispute, the same may amount to abuse of process. However, the Court also clarified that the nature of allegations and the existence of criminal ingredients are required to be examined in each case. In the present matter, the allegations are not restricted to contractual non-performance but relate to alleged manipulation of a public procurement process, conspiracy and loss to public funds.

31. Similarly, in **Usha Chakraborty** (supra), the criminal proceedings were quashed as the dispute was found to be purely civil and the criminal allegations were merely an attempt to exert pressure in a pending civil dispute. In the present case, the prosecution has placed allegations regarding the manner in which the tender was awarded, the alleged collusive conduct of bidders, and procurement decisions resulting in alleged loss to the State exchequer. Thus, the factual foundation of the present case is materially different.

32. The submission of the petitioner that no wrongful gain accrued to Mokshit Corporation as substantial payments remain outstanding also cannot be accepted at this stage. The prosecution allegation is not merely that payment was made to Mokshit Corporation without supply of goods. The allegation is that the tender process itself was allegedly compromised and that procurement was carried out in a manner causing wrongful loss to the State. The existence of outstanding contractual dues, payment of taxes or financial difficulties of the company may constitute defence material, but the same cannot be evaluated while exercising jurisdiction under Section 528 BNSS.

33. The contention that Mokshit Corporation repeatedly informed CGMSCL about infrastructural deficiencies and possible expiry of reagents also raises disputed questions of fact. The petitioner seeks reliance upon various communications exchanged between the parties to establish its bona fide conduct and shift responsibility upon CGMSCL. However, the prosecution alleges that despite such circumstances, excessive procurement continued pursuant to a process allegedly influenced by the accused persons. The effect, relevance and interpretation of such communications are matters requiring appreciation of evidence during trial.

34. Similarly, the allegation of tender pooling and criminal conspiracy cannot be examined conclusively at this stage. The prosecution relies upon circumstances including similarity in bid documents, tender conditions and conduct of participating entities. It is well settled that conspiracy is generally proved through circumstantial evidence and direct evidence of an agreement is rarely available. Whether the circumstances relied upon by the prosecution ultimately establish a criminal conspiracy is a matter for trial.

35. The judgment relied upon by the petitioner in **K.R.**

Purushothaman (supra) lays down the principles regarding proof of conspiracy but does not support quashing at the threshold where the prosecution has alleged circumstances requiring appreciation of evidence. The said judgment itself recognises that conspiracy may be express or implied and can be established through surrounding circumstances.

36. The contention regarding absence of demand or acceptance of illegal gratification and reliance upon **Neeraj Dutta** (supra) also does not persuade this Court to exercise jurisdiction under Section 528 BNSS at this stage.

37. The prosecution has invoked provisions of the Prevention of Corruption Act alleging abuse of official position, conspiracy and wrongful pecuniary advantage. The applicability of the statutory provisions and the sufficiency of evidence to establish the ingredients of the offences are matters for trial. At the present stage, the Court cannot examine the probative value of the evidence or record a finding regarding absence of guilt.

38. The contention that Section 409 IPC is not attracted as there was no entrustment of property to Mokshit Corporation also involves an appreciation of the allegations and evidence collected during investigation. The prosecution case is that public funds were dealt with pursuant to the procurement process resulting in alleged wrongful loss. Whether the ingredients of criminal breach of trust are ultimately established is a matter to be determined by the trial Court.

39. The submission regarding selective prosecution and non-impleadment of certain officials also cannot be a ground for quashing the proceedings against the petitioner. Merely because some other persons may not have been arrayed as accused does not by itself establish mala fide prosecution or absolve the petitioner if material collected during investigation discloses his alleged involvement.

40. The reliance placed upon **Sushil Suri** (supra) and **Bhajan Lal** (supra) is also misplaced in the facts of the present case.

41. In **Bhajan Lal** (supra), the Hon'ble Supreme Court laid down illustrative categories where interference may be justified, including cases where the allegations, even if accepted in entirety, do not constitute an offence. However, the present case does not fall within such categories, as the FIR and charge-sheet disclose specific allegations regarding alleged conspiracy, abuse of official position and financial irregularities in a government procurement process.

42. Likewise, **Sushil Suri** (supra) reiterates that inherent powers are to be exercised to prevent abuse of process, but such power cannot be invoked to stifle legitimate prosecution where a prima facie case is disclosed.

43. The judgments relied upon by the Hon'ble Supreme Court in **Neeharika Infrastructure Pvt. Ltd.** (supra) and **Pradeep Kumar Kesharwani** (supra) clearly emphasise that the High Court, while exercising jurisdiction under Section 482 Cr.P.C./Section 528 BNSS, cannot appreciate disputed facts, examine the defence of the accused or determine the reliability of the prosecution evidence.

44. Applying the aforesaid principles, this Court finds that the petitioner has sought to rely upon disputed documents and explanations which require appreciation of evidence. The material relied upon by the petitioner cannot be said to be of such unimpeachable nature as would completely demolish the prosecution case at the threshold.

45. Considering the nature of allegations, the stage of proceedings, the material collected during investigation and the settled principles governing exercise of inherent jurisdiction, this Court is of the opinion that the present case does not warrant interference under Section 528 of the BNSS. The allegations, taken at their face value, disclose prima facie commission of offences requiring adjudication by the trial Court.

46. Consequently, the present petition being devoid of merit is hereby **dismissed**. It is, however, clarified that the observations made herein are confined only to the adjudication of the present petition under Section 528 BNSS and shall not prejudice the petitioner or any other accused during the course of trial.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Bablu